

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

---

ARMAND LEWIS,

Plaintiff,

v.

BIRD RIDES, INC.,

Defendant.

---

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. \_\_\_\_\_

---

**NOTICE AND PETITION FOR REMOVAL**

---

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Bird Rides, Inc. (“Bird”) hereby removes this action from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia - Atlanta Division.

**STATE COURT LAWSUIT**

1. This case involves a Georgia citizen and resident, Plaintiff Armand Lewis (“Plaintiff”), who allegedly was injured in an incident involving a Bird scooter. On May 22, 2023, Plaintiff filed suit against Bird in the Superior Court of Gwinnett County, Georgia, Case No. 23-C-03521-S3, claiming that his injuries were caused by Bird’s alleged negligence, among other theories of liability.

2. Bird now removes this case to this Court based on diversity jurisdiction.

### **GROUND FOR REMOVAL**

3. This action is removable pursuant to 28 U.S.C. § 1441. As set forth herein, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because this action is between citizens of different states, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Minimal Diversity Requirement. As alleged in the Complaint, attached hereto as **Exhibit 1**, this action is between citizens of different states. Plaintiff is an adult citizen and resident of Georgia. (*See* Ex. 1, Compl., ¶ 1.) Bird is a citizen of a foreign state. Specifically, Bird is a Delaware corporation with its principal place of business located at 8605 Santa Monica Boulevard #20388, West Hollywood, California 90069. (*Id.*, ¶ 2.) Consequently, complete diversity exists because Plaintiff is a citizen of Georgia, and Bird is a citizen of Delaware and California.

5. Amount in Controversy Requirement. The amount in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. As alleged in his Complaint, Plaintiff claims that he “suffered a broken arm/wrist and a strained back.” (*Id.*, ¶ 11.) He seeks damages for “past medical expenses,”

“medical expenses in the future,” “past and future lost wages,” and “mental and physical pain and suffering.” (*Id.*, ¶¶ 51-52.)

### **PROCEDURAL REQUIREMENTS**

6. Timeliness of Removal. This Notice of Removal is timely because it is being filed within 30 days of Bird receiving, through service or otherwise, a copy of the Complaint. 28 U.S.C. § 1446(b)(1). Bird was served through its registered agent, National Registered Agents, Inc., by process server on June 7, 2023.

7. Removal to Proper Court. This Court is the appropriate court to which this action must be removed because it is part of the district and division within which this action is pending, namely, Gwinnett County, Georgia. 28 U.S.C. §§ 1441(a), 1446(a).

8. Filing and Service. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be contemporaneously filed in the Superior Court of Gwinnett County, Georgia and served on all counsel of record.

9. Pleadings and Process. Bird has not been served with any process, pleadings, or orders in this action other than the Summons and Complaint. *See* 28 U.S.C. § 1446(a).

10. Bird reserves all of its rights and defenses, including without limitation those rights and defenses under Fed. R. Civ. P. 12 and will timely respond to the Complaint in accordance with Fed. R. Civ. P. 81.

Respectfully submitted this 7th day of July, 2023.

**WEINBERG WHEELER  
HUDGINS GUNN & DIAL**

/s/ [Adam J. Wittenstein](#)  
Johnathan T. Krawcheck  
Ga. Bar No. 429320  
[jkrawcheck@wwhgd.com](mailto:jkrawcheck@wwhgd.com)  
Adam J. Wittenstein  
Ga. Bar No. 129126  
[awittenstein@wwhgd.com](mailto:awittenstein@wwhgd.com)  
3344 Peachtree Road NE, Suite 2400  
Atlanta, GA 30326  
404-876-2700

Stacy A. Alexejun, WI SBN 1074016  
(*Pro Hac Vice Forthcoming*)  
Sydney E. VanBerg, WI SBN 1101335  
(*Pro Hac Vice Forthcoming*)  
QUARLES & BRADY LLP  
33 East Main Street, Ste. 900  
Madison, WI 53703  
[stacy.alexejun@quarles.com](mailto:stacy.alexejun@quarles.com)  
[sydney.vanberg@quarles.com](mailto:sydney.vanberg@quarles.com)  
[eleina.arce@quarles.com](mailto:eleina.arce@quarles.com)  
(608) 251-5000

**ATTORNEYS FOR DEFENDANT  
BIRD RIDES, INC.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

---

ARMAND LEWIS,

Plaintiff,

v.

BIRD RIDES, INC.,

Defendant.

---

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. \_\_\_\_\_

---

**LOCAL RULE 7.1(D) CERTIFICATE OF FONT COMPLIANCE**

---

I hereby certify that the foregoing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C), Northern District of Georgia, specifically Times New Roman 14 point.

Respectfully submitted this 7th day of July, 2023.

**WEINBERG WHEELER  
HUDGINS GUNN & DIAL**

/s/ Adam J. Wittenstein  
Johnathan T. Krawcheck  
GA Bar No. 429320  
[jkrawcheck@wwhgd.com](mailto:jkrawcheck@wwhgd.com)  
Adam J. Wittenstein  
GA Bar No. 129126  
[awittenstein@wwhgd.com](mailto:awittenstein@wwhgd.com)  
3344 Peachtree Road NE, Suite 2400  
Atlanta, GA 30326  
404-876-2700

Stacy A. Alexejun, WI SBN 1074016  
(*Pro Hac Vice Forthcoming*)  
Sydney E. VanBerg, WI SBN 1101335  
(*Pro Hac Vice Forthcoming*)  
QUARLES & BRADY LLP  
33 East Main Street, Ste. 900  
Madison, WI 53703  
[stacy.alexejun@quarles.com](mailto:stacy.alexejun@quarles.com)  
[sydney.vanberg@quarles.com](mailto:sydney.vanberg@quarles.com)  
[eleina.arce@quarles.com](mailto:eleina.arce@quarles.com)  
(608) 251-5000

**ATTORNEYS FOR DEFENDANT  
BIRD RIDES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2023, I caused a copy of the foregoing *Notice and Petition for Removal* to be sent electronic and first-class mail to the following counsel of record:

Clarence E. Bryant (Georgia Bar # 724560)  
C.E. BRYANT LAW FIRM  
931 Monroe Drive  
Suite A 102-124  
Atlanta, GA 30308  
clarence@cebryantlaw.com  
Telephone: 833-727-3224 ext. 0  
Facsimile: 404-635-2381  
*Attorney for Plaintiff*

**WEINBERG WHEELER**  
**HUDGINS GUNN & DIAL**

/s/ Adam J. Wittenstein  
Johnathan T. Krawcheck  
GA Bar No. 429320  
[jkrawcheck@wwhgd.com](mailto:jkrawcheck@wwhgd.com)  
Adam J. Wittenstein  
GA Bar No. 129126  
[awittenstein@wwhgd.com](mailto:awittenstein@wwhgd.com)  
3344 Peachtree Road NE, Suite 2400  
Atlanta, GA 30326  
404-876-2700

Stacy A. Alexejun, WI SBN 1074016  
(*Pro Hac Vice Forthcoming*)  
Sydney E. VanBerg, WI SBN 1101335  
(*Pro Hac Vice Forthcoming*)  
QUARLES & BRADY LLP  
33 East Main Street, Ste. 900  
Madison, WI 53703  
[stacy.alexejun@quarles.com](mailto:stacy.alexejun@quarles.com)  
[sydney.vanberg@quarles.com](mailto:sydney.vanberg@quarles.com)  
[eleina.arce@quarles.com](mailto:eleina.arce@quarles.com)  
(608) 251-5000  
**ATTORNEYS FOR DEFENDANT BIRD RIDES, INC.**